

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

## **THE INVENTION**

As found in the present disclosure, the present method and apparatus are used to shape quasi-endless packaging material into a string of essentially V-shaped bags (i.e. arranging it in a "zig-zag" formation). The bags are initially open on three sides and closed on a folded side. The bags are conveyed in the conveying direction and during conveyance each bag is charged with a flat object or a small group of flat objects. The charged bag is separated from the string of bags and is then sealed with essentially three seams. At every stage of the procedure, the position of the open bag side (opposite the closed, folded bag side) is independent of the format of the object to be packaged. It is to be understood from the present disclosure, e.g. the "Summary of the Invention" at paragraph [0008] inter alia, that the format of the packaged object is accommodated by fashioning bags of relevant depth, and by the use of packaging material of relevant width, and by appropriately setting of the position of one or both of the two lateral seams.

The present bag includes an "open side" on the opposite side from the closed, folded side. This "open side" is sealed with a corresponding seam produced

by the “means for sealing.” The apparatus components (i.e. the “means for forming the bags (7’)” and the “means for conveying the bags (7’)”) are arranged such that this particular “open side” of the bag and its corresponding seam are restricted in their movement through the apparatus, thus maintaining an unchanged position, independent of the format of the object to be packaged throughout all stages of procedure. The present method and device are particularly applicable for packaging printed products in weldable plastic foil. In this way, the consumption of packaging material can be easily reduced to the necessary minimum due to the simple adjustability to the format of the objects to be packaged. This is different from the prior art relied upon by the Examiner.

### **THE REJECTIONS UNDER 35 U.S.C. § 112**

In rejecting the present claims 1-15 under Section 112, second paragraph, the Examiner states that:

*“Several phrases in the claims are vague, misleading and/or indefinite, for an example: “wherein... packaged” (claim 1, lines 11-13) and “wherein... packaged” (claim 7, lines 13-16), it is not clear what exactly applicant meant by an unchanged position of an open end opposite the one closed side keeps an unchanged position independent of the format of the object to be packaged.”*

The Examiner states that, “several phrases in the claims are vague, misleading and/or indefinite” but only one example from each independent claim is

given. It is therefore not clear whether other non-cited phrases in these or any other claims are intended by this statement. Consequently, applicant can only respond to the rejections based on the cited passages. If this rejection is intended to encompass other phrases in the claims, it is respectfully requested that the Examiner either specifically list these other rejected phrases, or else withdraw this rejection.

In connection with the rejection of claim 1, at lines 11-13, it would appear that the Examiner is not clear on the relationships between the "open side," its "corresponding seam," and their position with respect to the "one closed side." Therefore, claim 1 has been amended to recite "three open sides and one closed side, wherein the three open sides comprise an opposite open side, opposite to the one closed side, and two lateral sides." The passage at issue has also been amended to recite, "wherein, during all method steps, the opposite open side and a corresponding seam keep a position that is independent of a format of the object to be packaged."

It is respectfully submitted that the recitations of the elements in claim 1 have been clarified in response to the rejection, and the position of the "opposite open side" and its "seam" are recited with respect to the "format of the object to be packaged." If there remain any further rejections of claim 1, it is respectfully requested that the Examiner list each specific limitation and explain why it is deemed unclear, so that Applicant can respond accordingly.

As with claim 1, claim 7 has also been amended to recite, "three open sides and one closed side, wherein the three open sides comprise an opposite open side, opposite to the one closed side, and two lateral sides." And the rejected limitation

has been amended to recite "the opposite open side and its corresponding seam keep an unchanged position independent of the format of the object to be packaged."

It is further respectfully submitted that the recitations of the elements in claim 7 have been clarified in response to the rejection, and the "opposite open side" and its "seam" are recited as having "an unchanged position" with respect to the "format of the object to be packaged." If there remain any further rejections of claim 7, it is again respectfully requested that the Examiner list each specific limitation and explain why it is deemed unclear, so that Applicant can respond accordingly.

#### **THE REJECTIONS UNDER 35 U.S.C. §§ 102 or 103**

The Office Action quotes 35 U.S.C. § 102(b) as the statute that forms the basis of the prior art rejections. However, the Action goes on to state that claims 1-2 and 6-8 had been rejected under Section 103(a) as being unpatentable "over in view of" (sic) Achelpohl et al. (U.S. Pat. No. 4,115,183).

In any event, Applicant thanks the Examiner for the indication of allowable subject matter in claims 3-5 and 9-16. In response hereto, the limitations of allowable claim 3 have been added to claim 1, and the limitations of allowable claim 9 have been added to claim 7. Further, allowable claims 11 and 13 have been amended to include the limitations of claim 7.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is

invited to initiate a telephone interview with the undersigned to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. FRR-15078.

Respectfully submitted,

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